


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stakutis et al. Examiner: Apu M. Mofiz
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Title: METHODS AND APPARATUS FOR HIGH-SPEED ACCESS TO AND
SHARING OF STORAGE DEVICES ON A NETWORKED DIGITAL DATA
PROCESSING SYSTEM

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Date of Transmission: <u>2/2/07</u>	
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By: 	
Name: Bradley K. Lortz	

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT AND A REFERENCE APPLICATION UNDER 37 C.F.R.**

§1.321(c)

The Owner, International Business Machines Corporation, a corporation organized and existing under the laws of the State of New York, and having an office and place of business at 5600 Cottle Road, L2PA/010, San Jose, CA 95193, of the entire right, title and interest in U.S. Patent Application Serial No. 10/691,134, filed October 21, 2003 and entitled METHODS AND APPARATUS FOR HIGH-SPEED ACCESS TO AND SHARING OF STORAGE DEVICES ON A NETWORKED DIGITAL DATA PROCESSING SYSTEM (the "Instant Application"), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 7,010,432 (the "Prior Patent") and of any patent granted on Reference co-pending U.S. Patent Application No. 11/179,201, filed on July 12, 2005 (the "Reference Application"), as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on the Reference Application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending Reference Application. The Owner hereby agrees that any patent so granted on the Instant Application shall be enforceable only for and during such period that it and the Prior Patent and any patent granted on the Reference Application are

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In making the above disclaimer, the Owner does not disclaim the terminal part of any patent granted on the Instant Application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the Prior Patent, as presently shortened by any terminal disclaimer, and of any patent granted on the Reference Application, as the term of any patent granted on the Reference Application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending Reference Application, in the event that any such granted Prior Patent or any patent granted on the Reference Application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is an attorney of record by the Revocation and Power of Attorney previously submitted.

The required fee of \$130.00 under 37 CFR §1.20(d) should be charged to the Deposit Account No. 090466 for the assignee, International Business Machines Corporation.

Respectfully submitted,

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